

# MBTA COMMUNITIES

## *Harvard, MA*

### Chapter 40A Section 3A Multifamily Housing Zoning Act

## What is the MBTA Communities Zoning Act?

The Multi-Family Zoning Act aims to address the state housing crisis by requiring that all Massachusetts communities served by the MBTA, including towns and cities adjacent to commuter stations, zone to allow for multifamily housing, by right.

### The Multi-Family Zone in Harvard Must:

Provide at least 1 district that is at least 7 ½ acres in size

Have a minimum gross density of 15 units per acre to provide for at least 113 total units.

Allow development 'by right', although a site plan review is required.

Be without age restrictions and be suitable for families with children.

Ensure that affordable units required do not exceed 10%.

Cannot include wetlands, environmentally sensitive resource areas.

Cannot include town-owned land.

Compliance is not dependent on any housing being built, simply that it is zoned to allow for it to be built.

**Final Deadline for Harvard to Submit District Compliance: Dec. 31, 2025**

## What are the penalties of noncompliance?

**Section 3A is a zoning mandate, there is no opt-out mechanism.**

Failure to comply results in ineligibility for:

- Housing Choice Initiative grants
- MassWorks infrastructure program
- Local Capital Projects fund

*EOLHC may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.*

Failure to comply, according to the Attorney General, will be subject to other consequences, including:

- Risk liability under federal and state fair housing laws
- May be subject to civil enforcement action

# The Proposed Parcel



## Process

The Planning Board engaged the community and State in a process to select a parcel for the location of the Multi-Family Zone.

After sending a number of suggested parcels to the State to run through their compliance model, the approved parcels were narrowed down to three.

These were then discussed further in community meetings, a survey was distributed, and parcels were assessed based on a set of selection criteria (see below).

## Parcel Characteristics

- Located at 185-191 Ayer Road across from Dunkin' Donuts
- 8 Acres in size
- Overlays portions of 3 parcels that are privately owned
- Outside of wetlands and wetlands buffer zones

## Selection Criteria

Each parcel was assessed against the selection criteria. This included:

- Proximity to MBTA commuter rail stations
- Feasibility for development
- Impact on agriculture/open space/conservation land
- Impact on traffic
- Alignment with town goals for the Ayer Road commercial district
- Potential for water and sewer connection



# The Proposed Bylaw

[Visit this link](#) to read the full-text of the bylaw

## The Proposed Bylaw's Key Features

- Zones for 8 acres at 15 units per acre gross density, 120 units maximum
- 30% Open Space required
- 10% Affordable Housing required
- 3 Story maximum building height

Units (Maximum)	120 units
Lot Size	
Minimum (SF)	40,000
Height	
Stories (Maximum)	3
Feet (Maximum)	45
Minimum Open Space	30%
Maximum Lot Coverage	70%
Minimum Gross Density	15 per acre (-0% / +5%)

## The Special Permit Section of the Bylaw

The bylaw includes a 'Uses Permitted by Special Permit' section (D2) which aims to incentivize a developer to meet additional town goals in exchange for the ability to build above 120 units.

The proposed development would need to go through a special permit process, meaning it would no longer be 'by right' and the town would have a high degree of control and input in the process.

A special permit would be considered by the town if one or more of the following were met:

### Mixed-Use Development

The development includes a commercial use in addition to residential use, in line with the goals of Harvard's Ayer Road Vision Project and the Commercial District.

### Affordable Housing

The units built in excess of the base 120 are 25% affordable ownership or rental units, in line with the goals of Harvard's Housing Production Plan

# Frequently Asked Questions

## **Who will build the housing? Is it guaranteed to be built?**

This is unknown. Harvard is responsible for creating the zoning, or opportunity to build, but is not required to build. A future development may or may not occur and would be done by a private entity.

## **Is the town required to bring water and sewer to this parcel?**

No. The State requires the zoning at 15 units per acre regardless of if the parcel selected has the ability to support water/sewer for that level of density.

## **Will Harvard have any say on proposed projects in the new Multi-Family zone?**

Yes. The project would still be required to go through Harvard's Site Plan Review process that includes a traffic study.

## **Why is affordable housing capped at 10%?**

This is a state requirement with the goal of ensuring that development is economically feasible for a developer. Harvard requested to increase this to 15% but were told we were not allowed to do this. To address this, the bylaw includes a Special Permit option for a developer to build additional units where 25% of these units are affordable.

## **What does multi-family housing look like?**

Below are some examples of multi-family housing in Massachusetts built to a similar density required for Harvard (15 units per acre). [Click here](#) to explore other examples of Multi-Family housing in the state



### **Sudbury, MA**

15 Units Per Acre  
250 Units  
17 Acres



### **Medfield, MA**

15 Units Per Acre  
92 Units  
6 Acres